

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

R. Fischer et al.

Serial No.

10/559,703

Filed

December 07, 2005

For

N-Heterocyclylphenyl substituted cyclic ketoenols

Group Art Unit

1616

Examiner

SULLIVAN, DANIELLE

## **DECLARATION**

Dr. Heinz Kehne hereby declares:

- that he is a chemist having studied at the University of Göttingen, Germany;
- that he received his doctor's degree in chemistry at the University of Göttingen, Germany in 1981;
- that he entered the employ of Bayer Cropscience (or the predecessor companies Hoechst, Agrevo, Aventis resp.) in 1982;
- that he has specialized in plant protection biology since 2002;

Post-emergence Test

5 Solvent:

10

15

20

25

5 parts by weight of acetone

Emulsifier:

I part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent, the stated amount of emulsifier is added and the concentrate is diluted with water to the desired concentration.

Test plants which have a height of 5-15 cm are sprayed with the preparation of active compound in such a way as to apply the particular amounts of active compound desired per unit area. The concentration of the spray liquor is chosen so that the particular amounts of active compound desired are applied in 1000 l of water/ha

After three weeks, the degree of damage to the plants is rated in % damage in comparison to the development of the untreated control

The figures denote:

0% = no effect (like untreated control)

100% = total destruction

## Pre-emergence-Test

Solvent:

5 parts by weight of acetone

Emulsifier:

1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, I part by weight of active compound is mixed with the stated amount of solvent, the stated amount of emulsifier is added and the concentrate is diluted with water to the desired concentration.

Seeds of the test plants are sown in normal soil. After about 24 hours, the soil is sprayed with the preparation of active compound in such a way as to apply the particular amounts of active compound desired per unit area. The concentration of the spray liquor is chosen so that the particular amounts of active compound desired are applied in 1000 l of water/ha.

20

15

5

After three weeks, the degree of damage to the plants is rated in % damage in comparison with the development of the untreated control

The figures denote:

25

0% = no effect (like untreated control)

100% = total destruction

|               |           |              |        |      |     |      |      | MISS 25  |             |
|---------------|-----------|--------------|--------|------|-----|------|------|----------|-------------|
| Staciute      | Sybstance | Togi<br>Vjes | Dosage | Omi  | 444 | 2014 | E.V. | 1102,173 |             |
| H,C OH        |           |              |        |      |     |      |      |          |             |
| 45 J          | I-1-a-2   | PO           | 320    | g/ha | 100 | 100  | 100  | 80       | BCS03-3014  |
| H,C, OH OH    |           |              |        |      |     |      |      |          |             |
| , A           | I-1-a-2   | PO           | 80     | g/ha | 100 |      | 100  |          | BCS03-3014  |
| HO HO CUS     | I-1-a-10  | PO           | 250    | g/ha | 0   | 0    | 0    | O        | US6 451,843 |
| HO H,C NN N   |           | PO           | 80     | g/ha |     |      | 90   |          | BCS03-3014  |
| HO HICK CHILD | I-1-a-8   | PO           |        | g/ha |     |      | 0    |          | US6 451 843 |

|         |           |              |        |      |     | MATERIAL PROPERTY. |      |        |    |         |       |            |
|---------|-----------|--------------|--------|------|-----|--------------------|------|--------|----|---------|-------|------------|
| Savejae | Substance | lest<br>fype | Dosage | Unit | 442 | in mil             | 22.2 | ARREIT | 9  | 2504.47 | 1:Y/E |            |
| OH CH,  | I-8-a-2   | PO           |        | g/ha | 0   | 0                  | 40   |        | 90 | 70      | 90    | BCS03-3014 |
| CH, CH, |           |              |        |      |     |                    |      |        |    |         |       |            |
|         | I-a-15    | PO           | 80     | g/ha | 30  | 20                 | 100  |        | 90 | 70      | 40    | WO01/17973 |

| Siructure | Substance             | Test<br>type | Dosage | Unit |     |             |
|-----------|-----------------------|--------------|--------|------|-----|-------------|
|           | I-1- <b>3</b> -1      | PO           | . 320  | g/ha | 100 | BCS03-3014  |
| He        | I-1- <del>3-</del> 16 | PO           | 250    | g/ha | 95  | US6,458,965 |

|  |            |          |             |              |     |    | į,  |                           |
|--|------------|----------|-------------|--------------|-----|----|-----|---------------------------|
|  | a Substanc | To st    | Dosage      |              |     | 直接 | 101 |                           |
| H <sub>2</sub> C <sub>CH</sub> C <sub>CH</sub> |            |          |             |              |     |    |     | 2000                      |
| HC CH CH                                       | I-1-a-2    | PO       |             | g/ha         | 100 |    | 100 | BCS03-3014                |
| HC OH  | JI-1-a-2   | PO       |             | g/ha<br>g/ha | 90  |    | 100 | BCS03-3014<br>US6 417 370 |
| H,C, OH OH,                                    |            |          |             |              | 90  |    |     |                           |
| H,C OH CH,                                     | I-1-a-2    | PE       |             | g/ha         |     | 90 |     | BCS03-3014                |
| HC CH  | I-1-a-2    | PE       |             | g/ha         |     | 60 | 90  | BCS03-3014                |
| Hyc OH   | I-1-a-2    | PE<br>PE | 250<br>320  |              | 90  | 40 | 90  | US6 417 370<br>BCS03-3014 |
| HN OH, N OH,                                   | 0          | PE       |             | g/ha         |     | 20 | 60  | BCS03-3014                |
| H'C OH'  |            | PE       | 250 0       |              | 90  |    | 80  | US6 417 370               |
| HAC CHO OH CH                                  |            | PO       | 80 <u>c</u> |              |     |    | 00  | BCS03-3014                |
|  |            |          |             |              |     |    |     |                           |

| nce                                      | DC303-3               | 014 |     |      |       |     |             |
|--|-----------------------|-----|-----|------|-------|-----|-------------|
| CH, G                                    |                       |     |     |      |       |     |             |
| HC CH OH                                 | I-1-a-39              | PO  | 250 | g/ha |       | 95  | US6 417,370 |
| H,C CH, CH                               |                       | PE  |     |      |       | 100 | BCS03-3014  |
| CH, CH                                   | I-1-a-11              | PC  |     | g/ha |       | 100 | 20305-3014  |
| CH, SI                                   | I-1-a-39              | PE  | 250 | g/ha | ++    | 100 | US6 417 370 |
| H,C H,C                                  | I-1- <del>a</del> -12 | РО  | 80  | g/ha | 100   | 100 | BCS03-3014  |
| HC - C - C - C - C - C - C - C - C - C - |                       | PO  | 250 | g/ha | 80    | 100 | US6 417 370 |
| HAN COL                                  |                       |     |     |      | au    |     |             |
| SH OH                                    | I-1-a-13              | 20  | 80  | g/ha |       | 100 | BCS03-3014  |
| ,  |                       | 20  | 250 | g/ha | oxdot | 100 | US6 417 370 |

The undersigned declarant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2008-11-19

Date

Dr. Heinz Kehne